

1 front.

2 You secure the property in the back, and
3 at the end of the day or whenever you get back to
4 the station, it's sealed, you know nothing's fallen
5 out, and you open it back up, you tag the property,
6 you weigh the property, you have the boss sign off
7 on it, and you put it in the locker.

8 Q. I want to direct your attention now to
9 November 7, 2000. Beginning at -- well, as I
10 understand it, you received a call. You and Officer
11 Caton received a call that Officer Sellers and
12 Officer Hasse needed some sort of book; is that
13 right?

14 A. Correct.

15 Q. What was the book that they needed?

16 A. I believe it was a book called an NTA
17 book, a Notice To Appear, a Misdemeanor Summons.

18 Q. Take me from the time you receive that
19 misdemeanor summons request, I guess over the radio,
20 what happens from there forward?

21 A. If I remember correctly, someone asked for
22 some paperwork up in the area of Sam's, either Pat
23 or I said, We'll take it up there, it's our beat
24 anyway. We respond up there. I believe Officer

1 Hunter showed up on his own.

2 Hasse was talking with the person in the
3 back seat of his car. I don't remember if it was
4 Pat or I or both or whatever that handed him the
5 booklet to fill out his paperwork.

6 I don't know where Pat was. At the time I
7 know he was in the area. I was talking with Officer
8 Sellers about something completely unrelated.

9 Q. If I could stop you for a second. Where
10 were you and Officer Sellers located with respect to
11 Officer Hasse?

12 A. I believe Officer Hasse was sitting in the
13 front seat of his police car, and I was standing in
14 the front of his police car near the front bumper,
15 push bumpers.

16 Q. And Officer Sellers was standing in that
17 location with you?

18 A. Facing me with his back towards Seymour.

19 Q. Where was -- if you look at Exhibit 5 --
20 Tell you what, let me -- let me give you another
21 version of Exhibit 5, because that relates to the
22 September, October time frame. Let me get you a
23 clean one.

24

1 (Plaintiffs' Exhibit 8
2 was marked for identi-
3 fication.)

4 Q. I'll give you what is marked as Exhibit 8.

5 MR. MARTINS: If it's okay with everybody
6 I'll just wait until he's done marking on it,
7 and then I'll make copies for everyone.

8 Q. On Exhibit 8, again, we have a sketch.
9 Where were -- where was Officer Sellers' and Hasse's
10 vehicle?

11 A. It's not able to be placed on this map.

12 Q. Okay. Because it's on the other side of
13 Sam's?

14 A. On the other side of Sam's.

15 Q. Okay. But it was in the Sam's parking
16 lot?

17 A. Correct.

18 Q. Was the front of the car facing Seymour?

19 A. I believe so, yes.

20 Q. Please continue. So what happens after --
21 you're talking with Officer Sellers.

22 A. I'm sorry. I was talking with Officer
23 Sellers about off-duty stuff, and I vaguely hear
24 Dave -- Officer Hunter -- sorry -- say, I believe it
was to Officer Caton, "That's the guy that ran from

1 guy is. Not that it was anything serious, and it's
2 not a homicide we're looking after him for, but to
3 go right back to where the original foot pursuit
4 ended with marked police officers being there, it
5 just seemed a little gutsy. We didn't run into that
6 a whole lot.

7 Q. Did you take that as a, in addition to
8 being gutsy, being a bit of a, I guess, disrespect?

9 A. No.

10 Q. To the police officers?

11 A. No, I don't think so. It was just
12 shocking. I -- you know, with the time that I've
13 spent on the street, I haven't run into that before,
14 so it was just a little -- a little odd. It was the
15 first time I ran into that.

16 Q. Did you look over to see who the
17 individual was that Officer Hunter was referring to?

18 A. Yes.

19 Q. And where was this person?

20 A. He was on the other side of the street at
21 that point.

22 Q. The other side of Seymour?

23 A. The other side of Seymour. And it was
24 dark enough, it wasn't very well lit, I couldn't

1 A. Yes, and was already in the store.

2 Q. Okay. Did you watch the person cross
3 Seymour Avenue?

4 A. No.

5 Q. Did you see the person cross or walk on
6 the sidewalk between your car and Seymour Avenue in
7 front of Sam's?

8 A. I looked once when the initial statement
9 was made. Like I said, I wouldn't have never been
10 able to identify him. And I went back to tell --
11 you know, I turned my concentration to Darren real
12 quick, told him I'd be back. Because at that point
13 Officer Hunter started walking over and Officer
14 Caton went with him.

15 Q. The -- on Exhibit 8 that you have before
16 you, are you -- can you identify where the person
17 was that was across the street when you first saw
18 the person?

19 A. Somewhere over here on the Seymour Avenue
20 side. I guess it would be, what, the west side --

21 Q. Okay.

22 A. -- of Seymour Avenue.

23 Q. Was the person even with Sam's or even
24 with the Sunoco station? Was he at the crossing?

1 out so we can talk to him.

2 When he steps out, I ask him if he can
3 talk to -- to me for a minute. He's -- he complies.
4 I have him go ahead and put his drink down.

5 Q. Was that the only thing in his hands, the
6 drink?

7 A. I believe so.

8 Q. Okay.

9 A. That was the only thing in his hand.

10 Q. Where is Officer Caton and Officer Hunter
11 at this point?

12 A. I don't remember. That night, I don't
13 remember where exactly they were until I went to put
14 on handcuffs. But keep in mind, I have seen the
15 video, so some of that plays in on where they were
16 at.

17 Q. All right. Continue.

18 A. I asked him if we can talk to him for a
19 minute. He says sure. I ask him what his name is,
20 where he lives, typical first questions on
21 something.

22 Q. Well, let's take the first question, as
23 far as his name. Did he answer you?

24 A. Yes.

1 Q. And what -- what did he say?

2 A. I believe he did say Roger Owensby. I
3 believe he did. I don't --

4 Q. And then -- sorry.

5 A. I don't exactly remember.

6 Q. And then, as to where does he live, did he
7 answer that question?

8 A. I think he said, "Not around here."

9 Q. Did he give any more -- did you follow up
10 and say, well, okay, if not around here, where?

11 A. I believe so. Like I said, it's been a
12 long time. I don't remember the exact question I
13 asked.

14 Q. And do you recall if he gave you any
15 further information, as far as where he lived?

16 A. No.

17 Q. Was he cooperative with you?

18 A. At first.

19 Q. Respectful?

20 A. Yes.

21 Q. Continue. What else happens?

22 A. I told him that we were looking for a
23 particular subject that ran from the police, and
24 that person has been known to carry a firearm. Was

1 he armed? And he said no. And he starts to pull up
2 his shirt to show us that he's not carrying a
3 weapon. I told him to hold on. You know, there's a
4 way we do this. Do you mind if I pat you down? He
5 says no. I pat him down for weapons. I find none.
6 I continue my conversation with him.

7 The exact line of questions, who asked
8 what between me and Officer Caton, I don't recall
9 who asked what particular question.

10 Q. Do you recall, though, what questions were
11 asked?

12 A. Has he ever run from the police, has he
13 ever struck a police officer or something of that
14 nature.

15 Q. And what was his answer?

16 A. He did not. Ever having run from any
17 other police officer, no. He said he hasn't run in a
18 while -- I don't remember what exactly he responded,
19 and I don't want to --

20 Q. How about striking a police officer, did
21 he give you an answer to that?

22 A. I don't remember if he did or not.

23 Q. Please continue.

24 A. At some point in the interview either I or